



## LAPORTE COUNTY BOARD OF ZONING APPEALS

Government Complex 5th Level  
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**MICHAEL POLAN**  
Building Commissioner

April 19<sup>th</sup>, 2022

Dear Members:

The regular meeting of the La Porte County Board of Zoning Appeals was held Tuesday, **April 19<sup>th</sup>, 2022, at 6:00 p.m.** in the Assembly Room of the County Complex.

MEMBERS PRESENT:      Melissa Mullins Mischke      Dwayne Hogan (Petition #1 only)  
                                 Glen Minich                                   Adam Koronka  
                                 April Daly

PRESENT:                Michael Polan, Recording Secretary, Attorney Doug Biege; Ashley  
                                 Kazmucha, Secretary

The Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Melissa Mullins Mischke asked for approval of the meeting minutes of March 15<sup>th</sup>, 2022.

Glen Minich made a motion to approve the meeting minutes of March 15<sup>th</sup>, 2022 as presented.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

Melissa Mullins Mischke stated Petitions #1 and #2 have been tabled until next month. Petition #5 has been withdrawn.

### **Petitions:**

**1. Petition for Variance of Special Exception for Tong's Property LLC (Yan Tong Guan) owner and Sunbreak Entertainment Corp. (Hang Chen, Yan Gao, & Zhong Chen) renter represented by counsel Andrew Voeltz of Howes & Howes LLP for an outdoor shooting range. This property is located across from 6961 S. 3rd Line Rd., Kingsbury, IN., Washington Twp. zoned M2 on 38.507 acres. Parcel 46-15-09-100-004.000-066.**

**TABLED TO May 17<sup>th</sup> MEETING.**

**2. Petition for Variance of Use for Edward W. and Debra S. Arnold represented by counsel Andrew Voeltz of Howes & Howes, LLP for construction of a 68 – 70 unit assisted living facility with potentially 6 – 8 detached senior villas, which would be allowed if the property was zoned B1 or O1. The property is located at 4155 N. State Rd. 39, LaPorte, IN., Center Twp., zoned B3 on 4.01 acres. Parcel 46-06-11-300-016.000-042.**

**TABLED TO May 17<sup>th</sup> MEETING.**

**3. Petition for Special Exception for Open Road Renewables, LLC and Monroe Power, LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP for creation of a “utility substation”, specifically a battery energy storage system (“BESS”) facility. The property is located east of 6044 S SR 104, Walkerton, IN., Lincoln Twp., zoned A on a total 71.15 acres. Parcels 46-12-30-100-010.000-055 and 46-12-30-100-008.000-055.**

Attorney Biege stated notice is adequate.

Anthony Novak stated he is an attorney with Newby, Lewis, Kaminski, and Jones in LaPorte at 916 Lincolnway. He is here representing the applicants Open Road Renewables LLC and Monroe Power LLC. Here with him tonight via Zoom is Cyrus Tashakkori and he is the President. David Savage, the Senior Vice President, is also on Zoom. Their plan tonight is to present this together. He will discuss the procedural aspect with the Special Exception and getting it through. Cyrus and/or David with all the substantive questions everyone will have from members of the Board and the members of the public. They are willing to answer everything. Tonight, they are requesting the BZA’s approval of a Special Exception Use for a utility substation to construct a battery energy storage system adjacent to NIPSCO’s existing Stillwell substation off Highway 104 south of Stillwell. Since the application was filed, there has been some misconceptions about the project. Is it battery? Is it solar? How many acres are actually involved here? Cyrus has done a pretty good job on speaking with everyone that has been concerned. Cyrus has reached out and he has fielded some calls as well. Any other questions can be answered tonight. Prior to filling the application, his office and Cyrus have been in communication with Mr. Polan and Attorney Doug Biege about this so they have answered all their questions as well. They will be fully transparent tonight and are looking forward to presenting this. His client is the contingent purchaser of approximately thirty-two (32) acres of vacant land on Highway 104 just south of Stillwell in LaPorte County zoned agriculture. He will be referencing the various exhibits that are attached. When Cyrus begins presenting will share his screen to talk about various things and they can answer anything else. There are two (2) petitioners here for clarification. The parcel will ultimately be owned by Monroe Power LLC which is Open Road Renewables project development entity for the facility. Open Road is driving this forward. It is believed that once development starts, Monroe Power will take over Cyrus can certainly clarify that, but that is why there are two (2) petitioners. As a preliminary matter, the current owner of the property has consented to them filing this petition as shown on Exhibit 5. As indicated in their petition, they desire to establish a battery energy storage system facility charged with electricity from and to discharge electricity back to the portion of Indiana’s electric grid serving LaPorte County and the surrounding region. It will be known as the Monroe



Power Project. Exhibit 4 in their application is their actual site plan. He will not go over it in detail, but that is the site plan that is required under Article 23 or 24 of the JZO. The overall facility, while they are asking for the special exception, will comply with all development standards so they are not asking for any variance of development standards. As indicated earlier, the facility is going to sit adjacent to the Stillwell NIPSCO substation. The belief is that it will either be owned and operated by or contractually committed NIPSCO down the road. After speaking with Mike and Doug, it was determined that this would be considered a utility substation which under Article 3: Agricultural in the JZO is a special exception. Exhibit 2 is what would be pulled up on Beacon if both parcels are searched. As it stands, there are two (2) yellow parcels that are involved in this project. There is a northern property that has frontage on 104 and a southern property. They refer to them as Parcel 10 and Parcel 8, reason being the middle numbers in Beacon parcel numbers are 10 and 8. If he references that way, that is what he means. The southern parcel, parcel 8, is set back from Highway 104 roughly seven hundred feet (700'). As part of the purchase, the plan is to ultimately do a lot line adjustment. They will take these two (2) parcels and modify the lines which will result in Parcel 8 having a little over two hundred feet (200') of road frontage. Through this lot line adjustment, no additional parcels will be created or removed, instead the lines will be modified. Exhibit 3A and 3B show this. 3A shows a description sketch of the red parcel, Parcel 10, and the blue parcel, Parcel 8. Exhibit 3A is a current sketch of how the two (2) parcels lay out. Parcel 10 has frontage along Highway 104 and then there is the existing parcel in blue that is 008. Exhibit 3B is ultimately how the two (2) parcels will lay out with the lot line adjustment. Parcel 10 in red looks like it shrinks. Parcel 8 then comes up with over two hundred feet (200') of road frontage which is required in an Agricultural District. There was also a misconception on this project. The two (2) parcels that are at issue combined are seventy-one (71) acres. They are only purchasing thirty-two (32) acres which is the blue parcel and of the thirty-two (32) acres, the actual facility itself will only occupy fourteen (14) acres. The rest will still either be farm land, shrubbery, or vegetation and that is something they wanted to clarify. Where the sketch says Parcel 008 is essentially where the facility is going. It will still be set back from the road, but that's how the parcels will shake out in all of this. If approved, it is unlikely that they will break ground for at least three (3) years. This Board's approval is the first step in many, many steps. It is needed before launching a lead, a long lead time project design and supply request for the facility. NIPSCO will have to design and build the substation facility upgrades. They have to wait certain months where it is not disruptive of the grid. Ultimately, it will be probably three (3) years. From a timing perspective he wanted to clarify that according to Article 24.06 (c) and talking about when breaking ground on Special Exceptions, it talks about when construction is not commenced within twelve (12) months of an improvement location permit being issued then the BZA may require the applicant to show cause why it shouldn't be revoked. He is unsure if it is applicable to them because they will not be asking for a permit until much closer to construction. He wants to be clear that they will not be breaking ground within a year so if they do find in their favor maybe the time will need clarified, but he wanted to let them know that. Finally, there are certain standards that must be met for a Special Exception to be approved under Article 24.05. They believe they meet all that decision criteria. They are happy to go through it point by point, but in the interest of time he will turn it over to Cyrus at this point where he will talk about the substance. He will be available for any questions.

Cyrus Tashakkori stated his address 1105 Navasota Street, Austin, TX. He is also joined by David Savage who may assist him with any questions he cannot answer. They are developing the Monroe Power Facility as Anthony laid out. They are proposing to locate this facility southeast of Stillwell, IN next to the Stillwell NIPSCO substation. The pictures shown on the screen are typical of the units they will be installing at the facility. They would store electric in banks of batteries. They are the same kind of batteries that are in laptops, cellphones, and electric cars to facilitate the reliability and operation of the electric grid. This is part of modernizing the electric grid; making it more resilient and more reliability. It will help them more efficiently meet demand for service, maximized capacity of existing transmission infrastructure, and avoid the need for future expansion of transmission infrastructure in the area. These facilities are safe. They have advanced safety monitoring features. They provide robust training to the local first responders and operators. They pose no risk to ground water. Monroe would be located within the thirty-two (32) acres tract off Highway 104, but only fourteen (14) of those acres would house the facility. Even within the fourteen (14) acres, most of the space is empty space. They would be adding vegetative screening even though it would be setback about a thousand feet (1,000') from 104. They will still screen from sight. The parcel has been actively disturbed. It has been fully studied for wetlands and other environmental issues and presents no issues. They were also shortlisted in the 2021 NIPSCO RFP so this project is very likely to be ultimately owned and operated by NIPSCO. The next visual depicts the map of the facility in relation to Stillwell and 104. In yellow, next to the Stillwell sub, would be the facility. Most of the parcels they are talking about including the trees would be untouched by the project. The next visual is what it would look like. The green is the landscaping. It also shows setbacks and the driveway. It is mostly empty space with the low-profile boxes that represent the batteries. Once in place, the nearest resident would be a thousand feet (1,000') away from the closest battery. He has spoke to a lot of people and received a lot of incoming calls of which they very much appreciate with a lot of concerns about stuff that they are not doing. There were concerns about a solar farm; somebody mentioned a thousand (1,000) acre solar farm. There is no solar associated with this project. There is no solar they are developing in the County or even in the State. There is no affiliation with anything solar with regard to Monroe Power. It is a battery storage project. In fact, this project may make it likely that any adjacent other project like a solar farm would be successful because it is taking room up on the grid even though it's simultaneously improving the reliability or the grid. Another concern was that it was a seventy-one (71) acre project. He sees where that confusion came from, but to reiterate it is not seventy-one (71) acres. There is a request to subdivide or change the parcel lines which applies to seventy-one (71) acres, but again it is a fourteen (14) acre project. They are not cutting any of the trees down so it is strictly the back fourteen (14) acres of the field and that included the vegetative screening and setbacks. Finally, there was a concern about the traffic and permanent workforce. There is not going to be a permanent workforce. Like any project, whether it's a shed, house, or this project, there will be temporary deliveries and personnel during construction, but after construction is completed, that number would be reduced to less than two (2) full time equivalent workers year-round. There are pluses and minuses to that. On the plus side, it leaves no change in traffic. On the downside, these projects don't create a ton of jobs, but they do create a ton of tax revenue and he will go over that in a minute. Parcel 10 will actually get a little bigger in terms of acreage and Parcel 8 gets a little smaller, but they do have the two hundred feet (200') of frontage that they need to do this per County regulations. They don't need the two hundred feet (200'); they only need about a thirty-foot (30') strip to install a driveway. This was important to the owner as she wanted the



farming to continue on as much as possible, they have committed to lease the remaining one hundred and seventy feet (170') about four-point-nine (4.9) acres to the existing farmer for ten (10) years for one dollar (\$1). They will own it, pay taxes on it, and the farmer gets to farm it for ten years for a dollar (\$1). That's just part of the agreement with the land owner. The next visual is of a before and after looking due south from 104; it would be the public vantage. The substation is shown on top and the facility fully constructed with the vegetative screening on the bottom. The most important takeaways for him are the very low-profile facility and it being setback from the public view. Other impacts: no noise, no traffic increase, no odor, no dust, and no vibration. They will train and coordinate with local EMS at their cost and there will be an obligation to decommission the facility at the end of its life. The last item is talk briefly about the tax revenue. On this fourteen (14) or so acre development they are investing around one hundred and fifty million dollars (\$150,000,000). That represents a very significant long time increase in the local tax base assuming the standard declining tax abatement in years one through ten (1 – 10). The numbers are shown on screen and are very substantial and those are without considering sewer, water, or infrastructure needed and without significant impacts to emissions, sounds, or traffic. Their information is on the screen; it was also provided in the application and in the notice to the adjacent landowners. Please feel free to call, text, or email if there are any questions. He now wants to show a couple similar projects they permitted in Virginia, but they are a similar size and scope. As shown, they are also adjacent to substations. Over the years, and even in Indiana, the third largest Co-Op is putting a bunch of these adjacent to their substations because they help make the grid more reliable. It'll be a trend over the next few decades. They will see a lot more battery storage facilities plugged into substations around the Country. He is happy to put any slide back up at the request of the Board and is available for questions.

### **Remonstrators:**

Christopher Williamson stated his address is 4102 S. State Road 104, Stillwell, IN. He is adjacent to this farm. He has only been there for thirty-nine (39) years and he is the new kid on the block. There are life long residents and farmers that make a living that farming land in that area. Most of the houses out there go back to the 1800's and are homesteads. *He has supplied the Board with a presentation to follow along with.* The manner in which LaPorte County notifies people of this nature is very disappointing because only the adjacent homeowners got certified letters. Everything else was posted in the Herald Argus under the legal section and there are Board members that don't even know that there is a LaPorte Herald Argus. It's all word of mouth that brought all these people. That's the truth. There might have been half a dozen certified letters. Anyway, Open Road Renewables is a foreign LLC. That is shown on Exhibit A in the back of the packet. Monroe Power is also a foreign LLC. They are calling it a utility substation and he doesn't believe it can be called a utility substation until they have a commitment from NIPSCO to hook up to their substation. That is his personal opinion. Right now, it is not a part of NIPSCO's 2021-2026 Electric Plan which is published and public information. Stillwell substation is mentioned many times in there and it's all upgrades for the incoming turbine gas generated from New Carlisle. That is what they are working on that they say will fill their grid. The Energy Management HVAC and Fire Detection and Controls System naturally, as Cyrus spoke, they don't know how to put those out. They don't have the equipment to put those out. All the training in the world won't teach them how to put those out because FEMA hasn't figured out how to do it yet. Last result they had was that it cannot be sprayed with

water, it can't be doused with foam, it can possibly be flooded from underneath, but they can't put it out. They can look at fires in Arizona, fires overseas, or Morris Illinois where a storage facility that just stored batteries just burned. They couldn't put it out; they let it burn. If they do spray water it goes onto the adjacent property. On page two (2), it says what will be there and there is one area called a facility collection yard; is that where they store failed and malfunctioning batteries? It's not clarified. It also says the forest cover on the southern western permitter will be preserved, yet in the drawing it shows where they are clearing trees and the boundary line of tree clearing. It also states it is away from wetlands; it is one thousand feet (1,000') away to the east from wetlands which is a series of ponds and lakes which he believes started with peat moss digging. It is adjacent to property directly underneath it which is another parcel that Mary Tobar owns that is classified wetlands. It is touching classified wetlands on an adjacent boundary. Page three (3) says the parcel has no wetlands; it's a thousand feet (1,000') from wetlands to the east, and a series of ponds and lakes. If they look at the different slides shown, they will see the bottom parcel changes shape. It's totally flat on the bottom when viewed on Beacon, but on the blue boundary line there is a tail dropping down on the right-hand side and that goes onto a third (3<sup>rd</sup>) parcel that is eleven (11) acres owned by Mary Tobar that is a classified wetland. They will see the drawing that contradicts the clearing of trees. Right now, it stated the facility is planned to be owned and operated by NIPSCO and NIPSCO typically doesn't buy anything. The property on Boyd Boulevard across from the bakery is leased to NIPSCO. It is at the end of its life and they are not releasing it and it will be a solar graveyard. The owner PLH will be left with the clean-up. Whoever is the owner at the end of life will be their responsibility to clean it up. The adjacent wetland is a big one. The first illustration from Beacon shows the bottom boundary in yellow as a horizontal line. It consists of seventy-one-point-five (71.15) acres to two (2) combined; twenty-three-point-thirty-seven (23.37) plus forty-seven-point-seventy-eight (47.78). Now they get the new parcels and they'll see that the bottom line doesn't go straight across on the blue line anymore. It has a tail coming down and that is infringing upon the eleven (11) acres. It appears that the eleven (11) acres are landlocked and the total on the new parcels only equal sixty-point-four-nine (60.49) acres. There are contradictions and discrepancies abound in what the public has had availability to. Also, this two hundred-foot (200') wide parcel going up, which he understands is a zoning requirement, is great, but there's no reason why that should be a parcel that is included in the special exception that shouldn't be a special exception if NIPSCO doesn't buy in on it. Once again, there is the original seventy-one-point-fifteen (71.15) acres as it started and as it's changing. Then, if they flip the page to show the aerial shot with the black outline, they will see that it is dipping down again to that eleven (11) acre wetland parcel. Without that wetland parcel that is adjacent, an overview from the corner to the wetlands from the east is eleven-hundred and seventeen feet (1,117') and it is a series of waters. If there is a fire or whatever, that is the direction the water would go and it would have very adverse effects on their water table. Ironically, the first layout that shows the entire property, they will see an introduction of a third (3<sup>rd</sup>) company. The resolution at which they received this PDF is so low that it's barely visible. It's almost subdivided already with hash marks and the name of the company is St. Joseph Phase 2 LLC and that is another foreign LLC. It was not mentioned previously in any writing and it really had to be zoomed in on to be seen. It stated they already have an option to purchase it. It should not require a special exception use. The page with the layout of the fourteen (14) acres is accurate on where the equipment will land shows on the top left the tree removal boundary. It disappears as if they are removing an entire west side tree line all the way up to the other boundary line and



only retaining the southern boundary of the tree line. It is contradictory from what they say to what they draw, to what they present. The picture shows fourteen (14) acres consisting of one hundred and eight (108) units the size of a semi-trailer and they're all full of lithium batteries. Maybe they should put that downtown? That's an option because most of the people here aren't really fond of the idea. The artist rendition of the trees in front of it is probably twenty (20) years into the future after the end of construction when the trees grown. The twenty-foot (20') yard boundary is defined as one (1) tree that gets twenty feet (20') in diameter. That's their boundary and they're about thirty-five feet (35') apart. That all makes sense and in about twenty-five (25) years it might cover those, but when planting a sapling, it will not. The first (1<sup>st</sup>) page of the presentation that is in color shows a few things. The thermal management and fire suppression will reiterate that their fire stations are volunteers. He won't say they're not seasoned veterans, but they're not like a full-time fire station. It's not like a big time fire station; they don't have the equipment or training to do this. Even if they get trained, where will they get the money for the equipment? And they don't know how to put it out, neither FEMA or anyone. The next and last page discusses a BESS; how long does a BESS last? There is no answer. Maybe they don't know, but that's blank. There is no answer to that question. It also says that the batteries must be properly managed by regulations governing the transport of batteries to make them safe. Those regulations have nothing to do with what is going on at this facility. This is a storage of batteries charging and discharging so that is a moot statement. Then it says what happens when a battery fails or malfunctions; it says they may be kept in a temporary storage on-site until it is transported off site to be reused, recycled, or disposed of as required. Is that like a dumpster full of batteries? These batteries can't even be taken to a landfill. They are hazardous waste. They can't put them in a landfill and let them go; everybody knows that, but they do have regulations as far as transporting them. Other than that, they cannot be disposed of due to their hazards and they start fires. It doesn't mean it can't be done safely, but that's not what is described here. The bottom of the page says there is no emissions of air pollutants during normal operation of a BESS. There are some gases, but they're not dangerous; they get vented out due to the charging and discharging and that's through the HVAC. When there is an incident though, there are massive emissions like the one (1) in Morris, Illinois. They can get on the internet and find ten thousand (10,000) good things and ten thousand (10,000) bad things depending on how you look at it. The one (1) bad thing in Morris, Illinois was that a battery storage facility burnt and now it's a superfund clean-up. There are firefighters in Arizona that couldn't put out the fire and got hurt. They got hurt bad and they just let the fire burn. If this lights, it'll burn. They can go through the exhibits. Exhibit A is all from Indiana Entity and shows Open Road Renewables as a foreign LLC. Cyrus' name is on there as well as David Savage's. The registered agent is Corporation Service Company. Exhibit B Monroe Power LLC is the same people. Why two (2) companies to do one (1) thing? Same Corporation Service Company as a registered agent. Exhibit C a new company, not mention, only seen on the drawing, a foreign LLC that has an option to buy the two hundred-foot (200') easement. It's interesting. They do have a different registered agent. Exhibit D shows the registered agent as a foreign for-profit company as well. He doesn't know where to go from this. There is one (1) thing from FEMA he included that they don't need to go through now, but lithium-ion batteries can be dangerous if it's not done right. It is. One (1) question a lot of local people have is: What would homeland security say is LaPorte County said they wanted three (3) foreign counties to hook up to their electric grid, how about it? He doesn't know; no response from it. No response from the DNR about protection of the species out there. Right now, they have an abundance of bald eagles in the area. They just saw

one (1) adult and four (4) juveniles and they cover the whole area. They are everywhere and that hasn't been investigated whatsoever on any of the properties either on or adjacent. Currently, he is an REMC Company. They don't buy their electricity from NIPSCO, they buy it from Wabash Valley. Wabash Valley contracts are from the grid naturally and their electricity doesn't come from Stillwell substation; it comes from Whispering Pine substation. There are a lot of intricate things here that make it not the best. He spoke to some of the REMC and Wabash Valley project managers, it did initially appear to be a solar panel project, but it turned out not to be. That was from a lack of openness to the public. They only sent out a few letters and everyone questioned what they were doing. It is a perfect setup for a solar farm because the setback of the batteries is just enough to clear the existing trees to catch the sun in the panels. NIPSCO's plan from 2021-2026 mentions Stillwell numerous times, but nothing about a battery energy storage system in mentioned. All their upgrades right now are to bring in the turbine power from New Carlisle which should satisfy the grid and max it out. He would like to reiterate that it shouldn't be a special exception because they don't see a buy in from the substation and NIPSCO right now. If NIPSCO was bought in, there wouldn't be a separate drive and they would be sharing the easement that NIPSCO already has getting down to the substation. He thinks this is a good opportunity. They live in LaPorte because it's LaPorte, not St. Joe, Porter, or Starke County. They have lived here all their lives and they would like the Board to stand up for what they are asking and do them a favor.

Ken Boilini stated his address is 5508 E. 450 S., LaPorte, IN. He is an adjoining land owner. Mr. Williams did a good job on a lot of things he was going to talk about. He wants to add that on the property itself, he has been on the property about fifty (50) years doing custom work for Mary Tobar's brother. Mr. Minich may have as well. Where they are going to put these grids down there, is a very big hole. They can go there today and there is water there. The type of climate they are in now it seems like if they don't get a four-inch (4") rain in a week, they get it in three (3) hours. These units will be all underwater. It was emphasized there were wetlands on both sides. It was the Kankakee Valley and it was conducive to have farm ground. They are only half a mile from the little Kankakee and a mile from that. What are they going to do when they start hauling stone in and building roads and there is a hole in back by those woods? They have gotten stuck there. They'll get a four-inch (4") rain and they will go under water. There is no ditch around the property to get rid of the water. There is no tile in the field. They will come to him and ask to put a tile in that runs to his ditch to take it down to the river. He has also been getting bugged by calls from Texas about solar panels and he refuses to talk to them and now this last week he got a call from one (1) of the people here about running a transmission line from solar panels to this project. He said he wasn't interested in a line. He has enough power lines. If they have to have the project in the area, why can't they go where the State owns six thousand (6,000) acres one thousand feet (1,000') south of the substation. Nobody would see it and ninety-nine percent (99%) of the people wouldn't even know it exists there. The State could help the project out if it's worthwhile and build it there. They have six thousand (6,000) acres they own and what would be seventy (70) acres out of their pocket. It wouldn't disturb anybody or be seen by anybody. The farm is more valuable at this time because they are running into a food shortage. They need the land. If they have a Midwest drought this year, they will see food prices climb high. He'd like to end that it is Earth Week and they are using the land to produce food and not to clutter the Earth with any harmful products.



Jim Allison stated his address is 5791 E. State Road 104, Walkerton, IN. *He supplied the Board with a petition of remonstrators against the project.* As Chris was saying earlier, their volunteer firefighters are volunteers; they are farmers. Years ago, they could handle barn fires no problem. When it comes to these batteries, they don't even have equipment to fight these fires with. Who is going to supply the equipment, the taxpayer? He doesn't see why the taxpayer should foot the bill. If they want to set the fire equipment around a couple of the stations around there, that is up to them. Another big issue was that nobody said anything about an emergency response plan. What are they going to respond to with? He would like some figures on who is going to foot the bill for these fire departments in Pleasant, Washington, and Lincoln Townships. They would more than likely have to be the ones to respond. They will probably have to add on to their buildings plus buy the equipment and have training. How much training will they need? Where do they have to go to get that training? He has quite a few pamphlets from Morris, Illinois, one (1) in Arizona, and another that caught fire in Australia and it was the same deal. They had to let them burn out. The Morris instance, they had to bring in twenty-eight tons (28 t) of Portland cement in order to extinguish it. Who is going to clean that up? There is a lot that has been said for it by the Companies, but is the expense going to be relied on the County or the taxpayer.

Michael Seitz stated his address is 212 Lakeside Drive, Walkerton, IN. With all the environmental concerns, clean up, problems, costs concerning that, the additional training to the fire department needed. . . they don't have the capacity to take care of this. Then, although the company will pay approximately ninety-two thousand dollars (\$92,000) a year in taxes, according to what we have heard they are going to apply for a ten (10) year tax abatement. If they are going to apply for a tax abatement, who is going to pay for all the environment and fire protection. A lot of it doesn't make sense.

Mark Parkman stated his address is 4052 S. 1100 W., Westville, IN. He is there as the President of the LaPorte County Farm Bureau. They are not particularly for it or against it, but they didn't feel like there was much notice given. Legally, they did what they needed to do, but there are a lot of questions that aren't answered. Mr. Novak talked about the three (3) year time frame before anything happens. Can they take a deep breath, give them some time to research it, and let everybody become comfortable with it if that is what is decided to happen? Cyrus mentioned a decommission that they would be responsible for it. If it did happen, would it be in a bond so if the company went broke, it would still be there in case it ever did happen. The batteries he mentioned were from laptops, cellphones, and cars. He is not a battery expert, but he knows that they have caught on fire in every one of those things. The ship that just went down in the ocean went down because of lithium batteries burning on the ship. There were four thousand (4,000) cars. They are not necessarily for it or against it, but they would like it to be publicized a bit better and to know a little bit more about it.

Leo Spence stated his address is 117 Fern Drive, Walkerton, IN. He lived at 6252, the property right next to it for years. NIPSCO about eight to ten (8 – 10) years ago had a transformer blow out and the sound from it broke his windows. NIPSCO told him it was an act of God and didn't replace any of his windows. He had family that lives southeast of there that farm. They deer hunt on Mary's property when Steve owned it for twenty (20) years. There is a ditch that comes off those ponds and drainage that feeds into Kingsbury Fish and Wildlife Area. Boilini's ditch comes with it and borders their property. He has a lot of family in the whole area so it does dip

down. If something leaks in the water, they have livestock, they farm, family members would be affected as well. It's not a good thing to have something like that around. He doesn't agree with it.

Christine Baldridge stated her address is 6131 E. State Road 104, Walkerton, IN. She lives directly across the street. Their thousand feet (1,000) they mention will be to them. They will be looking at it. That means a new road across the street. She will tell a story that will reflect one what everybody has said. In the winter, she likes to shovel her driveway at night. She has a yard light. She can see the road and traffic. One (1) of her favorite things to listen for are owls. It was mentioned about the bald eagles. They now have owls out there. To stand there in the cold winter and listen to those owls is amazing. Come spring, the first sign of spring out there are the tree frogs. All along the back of the property and those wetlands, the first thing that come up are the frogs and they sing. They can start as early as February and as late as April like they did this year. The last couple of years she has not heard the frogs where they are supposed to be. The wetlands back there are already changing. She doesn't know why. NIPSCO has been building back there. The railroad track is now in service that wasn't in service for thirty (30) years coming in and out of Kingsbury. And the eagles. She sits out on her back deck and watch the eagles. She has a degree in Geography. She has done land assessments. She focuses her world on what they live on. They live out in the country. They watch the farm land every season. She doesn't think batteries are the future. She thinks battery cars are not the future. They do as much environmental damage to get the chemicals needed to build the batteries are as bad as digging coal. Hydrogen is the way to go, but that's a whole other thing. Her phone overheats. She worries about her phone overheating; she unplugs it so it doesn't catch fire on her table next to where she watches tv. Everybody saw the little scooters that caught fire years ago; the hoverboards. The houses that burnt down because a hoverboard caught fire in a garage. For all the same reasons, they don't know enough nor have they been around enough. She doesn't think this is what this County needs. She doesn't want it directly across the street.

Harold Parker stated his address is 2602 E. State Road 4, LaPorte, IN. He doesn't think that Board has heard one (1) item of trust in this whole group of people. How can you pass something in government without the people's trust? They should table it and give them time to see this thing through. Right now, Europe is having a heck of a time with lithium battery storage because they got on the bandwagon earlier and they have junk yards full of lithium batteries. On the words he hears of trust, he doesn't hear anything that would make him vote for it and he hopes they see it the same way.

Dale Swanson stated his address is 3508 S. 800 E., Walkerton, IN. It is Fish Lake. They mentioned before is Morris, Illinois. His concern is Stillwell, Fish Lake, LaPorte could be the next Morris. The fire in Morris was ten (10) months ago. The governor of Illinois, Pritzker, proclaimed it as a disaster area. They evacuated five thousand (5,000) people from Morris, Illinois. The Illinois Attorney General sued Superior which was the company that owned the facility. His concern is that where he is at in Fish Lake is three to four (3 – 4) miles as a crow flies from this facility. There are sixteen hundred (1,600) people according to the last census of population. During the summer months, there are a lot of out of towners that come in. Add that plus the people from Stillwell and all the farms. That is a lot of people that are put in jeopardy because of this proposed facility. He thinks they should really be concerned with it as they



mentioned it being staffed by two (2) people. With these hazardous materials, shouldn't it be staffed by twenty-four-seven (24/7) personnel? If something happens, nobody is there and they have a disaster which they can't control. Not even the City of LaPorte is able to control it and they have full-time, not part-time people like Stillwell and Fish Lake communities have.

Anthony Novak stated he will defer to Cyrus Tashakkori for questions.

Cyrus Tashakkori stated he wants to thank everyone that took the time to comment. He has pages of notes to try to respond and hopefully he will get it all and apologized for bouncing around as some folks mentioned the same topic. First off, he will address the fire safety concerns which are appreciated. He understands if you go on Google, they will come away thinking batteries are high risk. Lithium-ion battery energy facilities like this are highly stable. The technology itself they use daily. Someone mentioned the cellphone or laptop fire. What makes those notable is that they almost never happen. He has never and he doubts anyone in this room has ever seen a cellphone catch on fire or they wouldn't have them in their pockets today. Most of the fires you hear about regarding BESS systems are building integrated. They're on the rooftop of a mall or something where the batter caught on fire because maybe the roof caught on fire or the wall of the building caught on fire. It is very, very rare for this type of facility to catch on fire. The Morris example that was raised a couple of times now was actually not a Battery Energy Storage System. That was a warehouse in an old paper mill that had no monitoring or any of the safety measure that a typical actual live BESS unit would have. It was literally just a warehouse packed full of batteries. If it were packed full of anything else, it would have also created a big fire. While the technology has evolved over the last several years, the oldest facility in Indiana is actually already six (6) years old. It is at the Indiana Power and Light Harding Street Generation Station; it is a large-scale facility from two (2) generations ago of technology. There is no hazard. There have been no fire or issues. It can be Googled. Going forward, they are likely to see a lot more of these all over the Country including in Indiana. As mentioned earlier, more recently Northeast Rural Electric Membership Company, the third (3<sup>rd</sup>) largest electric distribution co-op in Indiana, announced that they would put these at a bunch of their substations. He will address the safety features on this type of facility. They are designed to prevent fires. There is robust and redundant data monitoring systems so they are redundant with sensors inside, outside, on the cell level, on the stacks, and in the units themselves. They are monitored twenty-four-seven (24/7). Someone mentioned they need to be monitored twenty-four-seven (24/7) and they actually are. There are temperature sensors and even temperature sensing cameras that can detect temperature changes across a large area; it is very high tech. They are relatively small containers and the containers themselves are firewall rated for fire. That means if something happened and a container caught on fire, it doesn't propagate to the next container. Someone mentioned in one (1) of the fire examples that the fire department came and put water on the adjacent container; that is actually true. They put water on the adjacent container which was not on fire just to keep them cool and it was a success. That is one (1) of the things that they would train EMS to do. They don't need any special equipment to put out a battery fire. They don't need any special protective gear. They basically need good training, good signage, and water. There is nothing in the batteries that leak. There is no liquid to spill; they are not like a lead acid battery like in a tractor or car battery. There are millions of those all over the place that do have liquid. These are lithium-ion and the electrolyte is actually no extractable in a liquid form. If it breaks, it actually evaporates. Somebody mentioned they were

toxic; they are actually not considered toxic and certainly not as toxic as lead acid batteries. The primary coolants on these facilities are HVAC systems so the same type of coolant that would be on a house or business. In the event of a fire, the chemistry in the fire is a Class A fire. It is the same chemistry as a house fire except more plastic. It is very rare and the entire facility is designed to prevent them, but if and when it did happen it would be a Class A fire. There are a number of regulation and codes that apply to them like NFPA, 855 which is a National Fire Safety Standard, and NFPA 70E which is a standard for Electrical Safety in the Workplace. There are lots of codes, standards, and regulations that apply to these, but he wants to robustly address that. The one (1) bad example, which he agrees is a horrific incident, in Morris, Illinois was not actually a BESS system. It was a storage warehouse in an old paper mill that had a bunch of stuff stored in it. There were a lot of comments along the way about transparency and appropriate business and that type of stuff. The structure that they have where everything in Monroe Power is owned in an LLC is very common. It is something that they use for financing and it's all public. There is nothing untoward. In fact, one (1) of the gentlemen researched it and found all the information and found their names. There is nothing being hidden; it's actually in their application that describes the applicant as Monroe Power LLC which is Open Road Renewables development company. That is for financing so if and when NIPSCO takes this project, one (1) option is to take the whole LLC instead of each individual asset. He won't bore the Board with anymore on that, but that is a very common structure and nothing weird. On the survey there is a reference to a purchase option that Mr. Williamson mentioned. That is an old purchase option that is expired. It shows up on the survey because in their due diligence they pulled the title and put it on the survey, but it is expired. That company and whatever they were up to whether it was solar or transmission has nothing to do with this project and he cannot say it enough that they have no affiliation with anyone developing solar. They don't know of any transmission plans to bring solar into this substation. It's a free Country and some other company may be doing that, but they don't even have any knowledge to share on that. As far as wetlands, they have fully surveyed the parcel. Mr. Williamson referenced how when looked up on Beacon the parcel geometry is different than what they have submitted. The reason is because they went and thoroughly surveyed the site and found that there is a unique situation. The explanation by the surveyor after consulting with the County was that there are two (2) conservation easements south of all the forest and not adjacent to where they are proposing and the County gave those separate parcel numbers just for accounting reasons, but they are all a part of the same deed. There is nothing weird about that. He hasn't actually seen that before, but it is apparently common in LaPorte County and that is the explanation. The long sliver is part of the weird mismatch between the parcels, the actual parcel geometry and what is in the tax records. There is a permanent easement along the entire western side of both of the parcels for access to those two (2) easements and that predates anything that they are doing. It was mentioned that they are going to cut down trees. Again, that was from whatever was printed at the County office. They are not cutting down the western trees as they are relying on those western trees to help buffer the view so that they have as little of a view impact as possible. There was a comment about the visual simulations adding maturity of the forests; that is true, the visual is at five (5) years. At planting they will not be planting twenty-foot (20') tall trees, but it is a representation of what the trees would look like in year five (5) and during winter. In summer, the deciduous bushes would have filled out and they didn't feel it was representative to show just that so they showed the winter version which is less screened than the summer version. There was a comment about storage. The site plan references a collection yard; that is not a dumpster facility or something



where they put in their batteries. It is where the electricity from all the batteries collected from one spot and goes into the substation; that is called a collection yard. There was also reference to EMS and volunteer firefighter. It is common and they deal with it all the time. They would train the EMS at their expense. The main training would be the signs. There will be an Emergency Management Plan and they are happy to agree to that as a condition of the permit that they would submit to the County and they would approve it. They have done this all over the County and whenever they talk to the local firefighters, volunteer or otherwise, by the end of the conversation they are very comfortable with what to do and what not to do. As mentioned, signs stating distance away and putting water on the adjacent units are discussed. These are all in the very rare event that something happens. It is much more likely that if there is some event that would show up a sensor. There are redundant sensors and it would be addressed before it would ever become something like that.

Melissa Mullins Mischke asked if there has been an environmental impact study done for this area prior?

Cyrus Tashakkori stated yes. They have done wetland surveys, threatened and endangered, a Phase One (1) Environmental Science Assessment. They do their own wetland delineation that they turn into the Army Corps in which they confirm or amend it and they avoid any wetland impacts. It's not just them saying they will avoid wetlands, but it will be consistent with what the Army Corps says and that is very typical for development. Did that answer the question?

Melissa Mullins Mischke stated yes.

Cyrus Tashakkori stated the appreciate the concern about farmland conversion and hopefully realizing this is not a thousand (1,000) acre solar farm or seventy-one (71) acre project, but fourteen (14) acres plus the fact that they will be giving a favorable lease on four-point-nine (4.9) acres for a dollar (\$1) for ten (10) years helps address those concerns. He realizes some people don't want a single acre of farmland converted and he appreciates that, but they are sensitive to it. On the tax revenue, someone mentioned ninety-two thousand dollars (\$92,000) in taxes and tax abatement. The figures on screen early were assuming the tax abatement in years one through ten (1 – 10) would be four-point-five million dollars (\$4,500,000) in local tax revenue. That is with the tax abatement so it will be roughly twenty-four million dollars (\$24,000,000) over a forty (40) year life of the project so he wanted to correct that. They have talked to people locally, but to be frank the initial reaction was to seventy-one (71) acres or maybe a solar project and that's part of the reason they didn't talk to people outside the immediate vicinity of the project because they are eight and a half to ten feet (8'6" – 10") tall and smaller than a single store building. They are set a thousand feet (1,000') back from the road. They didn't anticipate that there would be a broader concern about this kind of low impact project. Hopefully, some of these answers help alleviate some of those concerns. There is a decommissioning bond requirement. It would be a bond or financial security of some sort. If NIPSCO ends up owning the facility they would ask that they not be required to have a bond as they will obviously be around. If anyone else owns it, there would be a financial obligation to make sure that no one is left holding the bag if anything were to happen.

Melissa Mullins Mischke asked if NIPSCO does not get on board with this project, what happens with it going forward. Is it dead in the water?

Cyrus Tashakkori stated it could be owned by a different utility. It could die before it's built. As mentioned, NIPSCO put out a 2021 list of proposals they received for battery storage and other facilities and they did short list this facility as one (1) of two (2) big battery storage projects that they intend to purchase. This step of getting the discretionary approval is a necessary first step before many other steps happen. Many other steps have to occur to bring this thing online. If this step were delayed, that time table does not change; this is the first step in a two (2) plus process of getting this thing going. Part of the reason being, there is a whole regulated transmission process that is federally and interstate regulated that they have to go through and they are already well underway in that process.

Melissa Mullins Mischke asked if they heard him correctly, NIPSCO is interested in this project and have expressed interest previously by way of RFP and short-listing.

Cyrus Tashakkori stated absolutely, yes. It is one (1) of the few projects that is short listed by NIPSCO. The proposal is for them to own it. That is what they are short-listing, the ownership of the project. He would like to pause and ask members of the Board, Anthony, or David if he has missed anything. There is probably more that he didn't address.

Melissa Mullins Mischke stated thank you.

Dwayne Hogan asked if they have entertained an agreement for a requested proposal before NIPSCO.

Cyrus Tashakkori stated yes, they have submitted and been accepted as a short-list for the RFP.

Dwayne Hogan stated the time line for the project is approximately three (3) years before it even starts.

Cyrus Tashakkori stated once they have discretionary approval, they would do final design, the permitting requirements presumably submitting a decommissioning plan, an emergency management plan, and that kind of stuff. There is just naturally time before they could start construction, but there is also time it would take from when they get the permit for NIPSCO to close on that transaction, design, and procure the equipment. The substation facility itself would have required upgrades to plug into it; they would need designed and procured. Some of those are long lead time items like transformers. Then they have to wait for the low demand time of year to do this type of work. Could it be done in two (2) years? Yes. Can they can guarantee that it will be done in two (2) years? They cannot. That is why Anthony mentioned the three (3) years. Of course, they would intend to keep the County in the loop every step of the way and in fact, there would have to be some interim submittals and approvals like the building permit and things like that. Does that answer his question?

Dwayne Hogan stated yes. Who will be performing the construction of this?

Cyrus Tashakkori stated NIPSCO would actually select and experienced EPC, Energy and Procurement Construction Company, who would do the procurement and the construction. Obviously, in accordance with whatever the permitting requirements are.

Dwayne Hogan asked how many full-time employees will it employ when it is done.

Cyrus Tashakkori stated after construction it would be two (2) or fewer. There would be a central monitoring office that is not specific to this project or LaPorte County, but that would monitor this and other projects and that is a twenty-four-seven (24/7) staffed. It has artificial intelligence even that is monitoring the sensors. It's not like it is just two (2) people managing this thing. The point here is what may be relevant to the folks right next door or in the area that don't want to see a bunch of traffic is that there is not going to be a ton of traffic on a day-to-day basis similar to the substation right next door. Someone might drive by once in awhile and see a truck or two (2), but more times than not they will drive by and see nobody there.

Dwayne Hogan asked if in the requested proposal is there a plan or a timeline to work with the neighbors as well as the fire departments for training in lieu of the concerns?

Cyrus Tashakkori asked if he was referring to the NIPSCO RFP?

Dwayne Hogan stated in regard to the entire project. How are they going to plan on working with the local fire department to ensure not only their safety, but the safety of the homeowners and property owners and well as the employees working there essentially.

Cyrus Tashakkori stated he would ask Anthony to weigh in, but they would be happy to commit to submitting an Emergency Response Plan that would have to get the approval of the County prior to the building permit if that checks that box. Before all that, they would convene this year with anyone who is interested from the EMS community to talk through it first as well as a presentation they can provide. The Emergency Plan would go into much more detail about the signage, the distances, and all of the types of questions folks had here.

Dwayne Hogan stated thank you. No further questions at this time.

Glen Minich asked about the field being very flat and having standing water. He sees that in the drawing they are responding to that with a water retention area. They have already surveyed the area and they are confident they can capture any massive amounts of rainwater than will come onto the gravel or paved area.

Cyrus Tashakkori stated yes, that is right. They show a stormwater retention pond that is sizable. It does take into account all of the topography. They shot the topography on the site. The ground coverage ratio for a project is on the order of eight to ten percent (8% – 10%) so it appears to be a big impenetrable surface, but it is mostly gravel, open ground, vegetation, and setbacks. He is right, they would comply with all of the State regulations and there is a large stormwater retention pond on the south side of the field.

Glen Minich stated thank you.



Anthony Novak stated to address the lack of transparency, he would argue the opposite of that. He has done many Petitions for zoning and Special Exceptions and he rarely will meet with Mr. Polan or Attorney Biege. He will rarely send the Board the entire electronic packet. He rarely fields calls. He has a client who gives out his cell phone. He has a client that has told him time and time again that if this is approved, whatever contingency the County wants to put on it, they are willing to do. He has talked before about tabling this to wait for further information and it is just such a tight time frame with NIPSCO and the RFP that it would jeopardize the timeline of the project. Cyrus has been a great client and he is genuine when he says if they need to add a Decommission Plan or EMS Plan, they will meet with the County and talk through it. If they aren't going to break ground for three (3) years they will surely see if those things will be implemented before construction ever commenced. This is a very minor thing; they sent out the certified mailings appropriately. It has been accustomed that attorneys use the Westville Indicator to publish notice. He knew this was going to be a bigger project so he published in the Herald Dispatch; he wasn't going to screw around with that. Again, he would argue that they have been more transparent. Secondly, the Board saw the numbers and they popped out to him just as much as them. It is a roughly one-hundred-and-fifty-million-dollar (\$150,000,000) investment in this community. Even assuming a tax abatement, there will be roughly five million dollars (\$5,000,000) coming in in taxes in the first ten (10) years let alone the rest of the project with little to no need for expanded serviced. Thirdly, he wants to remind everyone this is a Special Exception. It is not a request for a Use Variance. The zoning code has specifically identified areas in which these uses are compatible. Agricultural land is a compatible use for utility substations. Not only is this compatible, but they are immediately adjacent to another utility substation. He could make this request anywhere else in the middle of a thousand (1,000) acres, but they have chosen to be contiguous to a utility substation. Finally, they would ask approval. Section 23 or 24 says the approval can be contingent upon various matters. If the Board has things they want to make it contingent on, they are willing to do it if they are reasonable, they just ask for their approval in support of this Petition tonight.

Dwayne Hogan stated he understands what Attorney Anthony has to say and he knows how important the requested for proposal is, but he wants to make sure he is feeling some level of confidence in the Board that they have enough information to intelligently make a decision or at least a motion to put this thing forward without having too many contingencies and that.

Melissa Mullins Mischke stated she understands that.

Dwayne Hogan stated he apologized for being out of town and missing this in person, but a continuance for thirty (30) days for the Board to reconvene and talk and for them to put together a sheet of their questions and concerns going forward to make sure nothing has slipped through the cracks and realize it could be added to the request for proposal at anytime and that even though it is a three (3) year op window, that they cover all their bases on it.

Dwayne Hogan made a motion to table for one (1) month the Petition for Special Exception for Open Road Renewables, LLC and Monroe Power, LLC represented by counsel Anthony Novak of Newby, Lewis, Kaminski, and Jones, LLP for creation of a "utility substation", specifically a

battery energy storage system ("BESS") facility. The property is located east of 6044 S SR 104, Walkerton, IN., Lincoln Twp., zoned A on a total 71.15 acres.

Adam Koronka seconded.

Approved. Motion carries 4-1.

Anthony Novak asked if he is to expect a list of questions that they will be addressing. He wants to make sure that they will be available. Secondly, he may not be present next month because he is having a baby in a couple of weeks so he may have to get somebody else in and certainly they would want to coordinate with Cyrus, but they want to make sure they understand the expectations.

Dwayne Hogan stated without violating any of their internal rule, he will speak to the Board and keep Commissioner Mike apprised and get them a list of questions or concerns they might have.

Attorney Biege stated to keep in mind, and he will send a letter to the Board members, he ran across this by the Plan Commission two (2) months ago and asked all the members to contribute and provide information so this is nothing new or fresh. This has been in front of the Plan Commission for some time and the Plan Commission made the decision. For example, it took them about a year to put the Solar Ordinance together, which he is pretty damn proud of, but they got input from a lot of different entities. The Plan Commission, although there is no need for them to take a vote, no one felt motivated to pass a separate ordinance for this type of facility because it really didn't vary too much from where they were already at.

Melissa Mullins Mischke asked from a solar?

Attorney Biege stated it's not covered by solar. Solar is brand new and deconstruction of solar is huge. Here, the consensus was that there was nothing unique enough to pass a separate ordinance to cover this.

Glen Minich stated what they are talking about when he says what they want to see with the thirty (30) day timeline is the actual plan for the fire equipment, training, and everything that is going to be proposed to make this safe. The Emergency Plan and knowing that there is a contact person that is going to be there and that it will be supervised the whole time. They all know that their power grid needs to be dependable and technology is moving forward. They are going to see these kinds of things. This is just a sign of the times. As they are using alternative energy sources, they are going to have to have ways to store them to use them efficiently. It's not like a plant that they can turn on and turn off. These things are going to be common. They just need to get comfortable with this technology, but it's probably a necessary thing and it's a compact thing.

Melissa Mullins Mischke stated some additional public outreach would be beneficial.

Glen Minich stated public outreach is really the weak point here.

Melissa Mullins Mischke agreed.

Anthony Novak asked if the Board wants them to reach out to members of the Public? He needs to be clear because he wants to make sure they get this accomplished at the next meeting.

Attorney Biege stated he has to ask Ashley this because he was really proud of being able to turn on his computer all by himself tonight, if they come up with an Emergency Management Plan, can they put that on the zoning website for the public to see. Do we have the capability?

Ashley Kazmucha stated we can.

Attorney Biege stated he would suggest to the Board the he works with Anthony on a laundry list of questions that people have and get whatever their response is. He will send the Board a laundry list and to see if there is anything else, take that, and put that on the County website so everybody has a chance to review it.

Anthony Novak stated they are happy to do it. He was just messaging with Cyrus and he said whatever they need, they will get it done. They will submit an Emergency Plan. They want to be transparent.

Ashley Kazmucha stated she needs him to get that to her by the end of the month, not the cut off date, as she will be in Jamaica.

Anthony Novak stated very good.

Melissa Mullins Mischke stated we're going to Jamaica and having babies. This is getting complicated.

Michael Polan stated his office met with Hazmat with one (1) of the Plan Commission members present. He was surprised to learn that they were already familiar with these types of fires and emergency response. They have Tesla blankets that he didn't even know existed. They actually have those in LaPorte County. His office has done their due diligence. They met with the attorneys, the client, and Hazmat. They pulled Indiana Fire Code and sent out the information relative to this to the Board members. He found SOPs from the University of Massachusetts that has a department that dealt with this; they took that and forwarded that information to Board members. They looked at floodplains and base flood elevations. Even though this was a relatively new thing, it was discussed at the Plan Commission because at that time they thought they were going to need an Ordinance. They then immediately started due diligence on their part to make sure that they had ample amount of information to put forward from their end and that is in addition to what Cyrus and Mr. Novak had provided. They came to the office and they were prepared to rapid fire answer questions. They had a presentation. They were well prepared and very professional to deal with.

Melissa Mullins Mischke stated for everybody in the public, by the end of the month roughly, they should be able to get on the County website and view any additional documentation that has



been provided. If not, feel free to call the Building Department and where you can find it on the internet.

Anthony Novak stated to be clear because his misspoke on something, they will post whatever they can. Certain things with plans may not be able to be posted for various reasons, but whatever the laundry list was they will definitely comply. There is a chance he won't be here next month, it will likely be his partner Jim Kaminski, just so everyone knows.

*Gentleman comments from the crowd.*

Melissa Mullins Mischke stated he needs to be at the podium and ordinarily this is not allowed.

Leo Spence stated he wanted to let them know that there is an elementary school not even two (2) miles from there and that's where his kids go. That is another emergency procedure if something does happen.

Attorney Biege stated they have to keep the record clean.

**4. Petition for Variance of Developmental Standards for Bigger Garage One LLC** for construction of two (2) storage buildings (40' x 120') and (20' x 140') to be used as rental storage units. This property is located at 5981 S. State Road 39, LaPorte, IN., Scipio Twp. zoned B2 on 2.381 acres. Parcel 46-10-35-300-007.000-060.

Adam Koronka made a motion to remove the petition from the table.

Glen Minich seconded.

All Approved. Motion carries 4-0.

Jimmy Terry stated he is with FBI Buildings. He would like to thank the Board for considering this and tabling it last month giving them the opportunity to make some edits and changes to the proposed variance. He is representing his clients who could not be here tonight as they are attending the World Expo for the Self-Storage Facilities on the west coast that they are both attending. They listened to their requests and the concerns of the community last time with Building #1 being too close to the road even though it was more than acceptable by the State of Indiana. They shrunk that building down in size and they moved it to the north. They redesigned the site plan and went out there to reassess where there is an existing septic field. They worked with the county on what the minimum requirements were to the septic field so they reduced Building #1 in size from twenty feet (20') to sixteen feet (16'). They will have more than the adequate room in the space between the septic field.

Melissa Mullins Mischke stated she likes that they are keeping the building away from US 6 and moving it on the other side.

Jimmy Terry stated he understands. His clients also did two (2) traffic studies; one (1) on Highway 6 and one (1) on Highway 39. Really the only information they could get from INDOT

was that traffic is decreasing in that area according to the five (5) year study. That was the only thing revealed to him. They did their due diligence and did the traffic studies just to see if it was something of a concern.

Melissa Mullins Mischke stated she did notice on the submitted plans that cameras and lights were only on the interior between the two structures and not going all the way around the storage units.

Jimmy Terry stated that is correct. At the current time, there is only electricity on the building that they use for the CSX train building. Typically, mini warehouse buildings do not have electricity in them. They just don't. He has built over eight hundred (800) of these facilities throughout the Midwest and he can only think of maybe two (2) or three (3) that had electricity in them. Most of the ones in LaPorte County do not have any security systems or security lights. They have several that they have built in the County that do not, but this one (1) will. His clients have owned this property for about six (6) months and they have already made some improvements to the property. They would like to invest a lot more. It's just not a great look. He is in LaPorte County a lot. He has a lot of great customers in this County. They would like to see that corner cleaned up. He is here to say that they are investing a quarter of a million dollars (\$250,000) just in two (2) buildings let alone the other stuff that goes along with buildings. They heard the Board's concerns about lay of the land and the drainage. They are willing to put in a landscape gravel retention basin to make it look more pleasing by the road. By shrinking and moving that building to the north, it does give them that opportunity and space because that is the lay of the land goes.

Melissa Mullins Mischke asked if there are any future plans to include a fence around the entire facility or no.

Jimmy Terry stated if they did a fence, they would only do it along the highways, not along the edge of the farm fields and they would only do it for cosmetic purposes. They have a couple fences on some of their other facilities and they are small landscape fences. They are not like a security fence. Most of these facilities are just left open all the time. Very few facilities in their County have full-time security systems. Some of them have fences, but most of the fences are left open twenty-four-seven (24/7).

#### **Remonstrators:**

Dawn Sampson stated her address is 7102 S. 400 W., Union Mills, IN. She wants clarification on how they will handle the drainage and the excess runoff from the additional buildings and if they had an answer for her on that.

Melissa Mullins Mischke stated they do. She has an electronic version of it unfortunately. They are proposing a gravel retention area along US 6. She perceives that to be like a French drain type of situation. They are also moving the building that was going to be along US 6.

Glen Minich asked if they can get the visuals on the screen.

Dawn Sampson stated Jimmy Terry gave her his copy and what he is proposing is putting in a gravel drain along Highway 6 and that's it?

Melissa Mullins Mischke stated she agrees. She only sees the gravel ditch along US 6.

Dawn Sampson stated she appreciates that the investors are willing to work and appreciates that they want to get a return on their investment. She understands that. She just doesn't want it to be at her expense. They already have two (2) highways that are essentially draining into this property because it does sit lower. They have two (2) existing buildings and they want to add two (2) additional buildings. She understands that they want to get their return on investment, she just doesn't want it to be at her detriment. On her additional property, she already pays additional property taxes for ditch maintenance and cleaning. It seems counter-productive to her to have another water concern when she is paying extra for water concerns. She sees what they are proposing. It says dusk to dawn on the back of one (1) building and they will just put a fence along the highways?

Melissa Mullins Mischke stated yes. As he indicated, there is not electric on the storage buildings themselves so it would be on that CSX building. Any lighting or security cameras would be there.

Glen Minich stated it looks like they will be bringing electric into the new proposed Building #2 so they can put down to dusk lighting which may help with them seeing something going on. Whether the lot itself actually handles the water, he doesn't know that answer.

Dawn Sampson asked if the buildings are enough of a setback from her property. She is unsure if it was twenty-five feet (25') or what it was.

Glen Minich stated it is actually thirty feet (30') in Ag, but this is a small broken parcel of business. It is a small business property so their twenty feet (20') is actually legally good. Not having the fence is probably within the best interest of the neighboring farmer because somebody will hit a fence.

Dawn Sampson stated the neighboring farmer might have to put up a fence because she has seen people drive around the mini storage and cut it real close and she doesn't need her crops being ran over. Maybe the farmer might want to do that.

Glen Minich stated they could alleviate that simply by putting some pylons between the buildings on the eastern ends so the people would have a hard time misconstruing where they are supposed to go. That would be a nice addition.

Dawn Sampson stated that would be better. Those are her concerns.

Glen Minich asked Attorney Biege if there is a problem that the building causes runoff into the farmers field, what do they do about it. What is their recourse?



Attorney Biege stated that would be an issue between the property owners. Drainage can be a consideration with the Board and they hear a hell of a lot about drainage, but it's not in the statute. Practically, yes, they consider it, but legally it is not part of the Drainage Board's authority. Typically, ditch law, outside of a regulated drain where they are assessed, it is not the same type of water movement. Outside of drainage law, which mostly has to do with farmers, creeks, and rivers, it is usually between the individual property owners.

Jimmy Terry stated the existing thirty-foot by one hundred and twenty-foot (30' x 120') mini storage out there does not have gutters on it. They are going to install gutters on it. The reason why they put gutters on their mini warehouse buildings is they have a handicap accessible mini storage facility that they marked. They are putting two (2) of those in Building #2. That building is forty feet by one hundred and twenty feet (40' x 120'). To his knowledge, they would be the only ones in the area. The property does slope. His family farms; he understands their concerns. It slopes to the junction of 6 and 39 so the chances of it going onto the agriculture field to the east or the north would be pretty slim especially if they did a very similar retention pond that the Family Express gas station has.

Glen Minich asked if they would be okay connecting the drains and gutters to the gravel retention area in the front.

Jimmy Terry stated yes, they would need to. They want to get rid of the water. Nobody wants to go to a flooded storage facility.

Glen Minich stated nobody wants the mess when they are opening their storage unit.

Jimmy Terry stated they don't want water coming down on them or stand in water when the door is open. The roads are higher, but the two (2) original buildings were built incorrectly. FBI did not build those, but they were built too low. The last thing they want is having water going inside the storage facility. That's not a good market strategy so they want to do something with it.

Glen Minich stated that's why they're renting one (1) because the water went in their house.

Jimmy Terry stated they spoke to two (2) local excavation properties about connecting the downspouts and putting in the gravel retention landscape basin. One (1) of them didn't live too far from the location.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Bigger Garage One LLC for construction of two (2) storage buildings (40' x 120') and (20' x 140') to be used as rental storage units. [Motion is contingent on the installation of pylons to avoid traffic flow on property into the farm field and the installation of downspouts to the retention ditch. This property is located at 5981 S. State Road 39, LaPorte, IN., Scipio Twp. zoned B2 on 2.381 acres.

April Daly seconded.

Approved. Motion carries 3-1.

Jimmy Terry stated there will not be end caps or rental units on the ends of the new buildings so there would be no need for somebody to drive around them. Bollards will be installed.

**5. Petition for Variance of Developmental Standards for Gregg and Jeannette Bashore for placement of a tiny house (399<sup>2</sup>) as a second (2nd) dwelling to care for an elderly parent. The property is located at 4988 E. 50 N., LaPorte, IN., Kankakee Twp., zoned A on 4.78 acres. Parcel 46-07-35-400-002.000-052.**

## **WITHDRAWN**

**6. Petition for Variance of Developmental Standards for Roy and Sandra K Cogswell** to split a parcel in two (2); new parcel will have 180' of frontage instead of the minimum required 200; home parcel will retain 140' of frontage instead of the minimum required 200'. This property is located at 10101 N. 400 E., LaPorte, IN., Galena Twp., zoned A on 10 acres. Parcel 46-03-11-300-017.000-048.

Attorney Biege stated on notice the publication is adequate.

Dean Cogswell stated his address is 10101 N. 400 E., LaPorte, IN.

Melissa Mullins Mischke stated he wants to split some parcels.

Roy Cogswell stated just the very front area. It would be roughly three (3) acres.

Melissa Mullins Mischke asked what his plans for it are.

Roy Cogswell stated they are thinking about possibly building up there themselves in the future. It's kind of a three (3) or four (4) year plan for them building a smaller home and scaling back. Or possibly, it could just end up being a building site to sell. They have discussed several different things. They would just like the option of being able to do that if they chose to. Their house is in the very back so it won't landlock the property or anything.

No remonstrators present.

Glen Minich stated there are a lot of large lots in the area, but there are some small lots too.

Roy Cogswell stated it would roughly be a three (3) acre building lot if they sold it as a building lot to someone, but they really like it there. They just would be scaling back to a smaller house. They don't need what they have.

Glen Minich stated he might be tired of plowing that much snow.

Roy Cogswell stated it's a thousand-foot (1,000') driveway. He's tired of it. That's the two (2) options they are looking at, either building there themselves because they like the area or possibly selling it as a building site to someone.

Glen Minich stated they really like to hold the two hundred feet (200') of frontage, but infilling with using available lots means taking away from agriculture so in this case he will make a motion.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Roy and Sandra K Cogswell to split a parcel in two (2); new parcel will have 180' of frontage instead of the minimum required 200; home parcel will retain 140' of frontage instead of the minimum required 200'. This property is located at 10101 N. 400 E., LaPorte, IN., Galena Twp., zoned A on 10 acres.

Adam Koronka seconded.

All Approved. Motion carries 4-0.

**7. Petition for Variance of Developmental Standards for Ronald Drewenski** for continued placement of a mobile home. Last variance granted 4/16/2019 for three (3) years renewable. The property is located at 6989 E. Tulip Ln., New Carlisle, IN., Hudson Twp, zoned R1B. Parcel 46-04-29-153-001.000-050.

Attorney Biege stated notice is adequate.

Ronald Drewenski stated his address is 6989 E. Tulip Ln., New Carlisle, IN.

Melissa Mullins Mischke asked what year the mobile home is.

Ronald Drewenski stated it is either a '92 or '94. He doesn't remember.

Melissa Mullins Mischke asked when it was put in.

Ronald Drewenski stated in '92 or '94.

Melissa Mullins Mischke stated it was new when it went in.

Ronald Drewenski stated yes. There was a pre-existing one (1), but they put a new one (1) in when he bought the property.

Melissa Mullins Mischke asked who stays in the mobile home.

Ronald Drewenski stated they use for a cottage.

Melissa Mullins Mischke asked if anybody is in the mobile home full time.

Ronald Drewenski stated no.



Melissa Mullins Mischke asked if he is aware that they are trying to get mobile homes into mobile home parks if it is not a hardship.

Ronald Drewenski stated yes. He understands that, but if you have ever been through there and seen the location.

Melissa Mullins Mischke stated she understands they are all over the place.

Ronald Drewenski stated he isn't talking about the mobile homes; he is talking about the homeowners. It's not a pretty site in the area. He personally suggests that his mobile home is better than the three (3) homes sitting there as you make a right hand turn on there.

Glen Minich stated they will all get their turn.

Ronald Drewenski stated he agrees with that. Everybody gets a turn in the barrel.

No remonstrators present.

Glen Minich stated the property is always upkeep and they are moving away towards these and it won't be sold as a mobile home as a residence in the future.

Ronald Drewenski stated he has no intention to sell it.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Ronald Drewenski for continued placement of a mobile home for three (3) years renewable. The property is located at 6989 E. Tulip Ln., New Carlisle, IN., Hudson Twp, zoned R1B.

Adam Koronka seconded.

Approved. Motion carries 3-1.

**8. Petition for Variance of Developmental Standards for Donald and Shirley Drewenski** for continued placement of a mobile home. Last variance granted 4/16/2019 for three (3) years renewable. The property is located at 7061 Tulip Ln., New Carlisle, IN., Hudson Twp, zoned R1B. Parcel 46-04-29-153-005.000-050.

Attorney Biege stated notice is adequate.

Donald Drewenski stated his address is 15820 Union Ave., Harvey, IL. The Board just had the pleasure of speaking to his brother and twin Ronald. They have their cottages together. He has been there since '96. The trailer is a 1989.

Melissa Mullins Mischke asked how long it has been there.

Donald Drewenski stated since it was brand new from the previous owner in 1989.

Melissa Mullins Mischke stated it is a cottage so she is assuming he does not live there full-time.

Donald Drewenski stated correct, just on weekends. Every weekend even in the snow storms.

Melissa Mullins Mischke stated he's a trooper.

No remonstrators present.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Donald and Shirley Drewenski for continued placement of a mobile home for three (3) years renewable. The property is located at 7061 Tulip Ln., New Carlisle, IN., Hudson Twp, zoned R1B.

April Daly seconded.

Approved. Motion carries 3-1.

**9. Petition for Variance of Developmental Standards for Douglas and Carol Wright** for putting 1 (one) parcel back to the original 2 (two) parcels. One (1) parcel will have only 130' of road frontage and not the required 200' to build a new home on. The property is located at 9131 W. 200 N., Michigan City, IN., Coolspring Twp and zoned R1A on 5 acres. Parcel 46-05-21-400-052.000-046.

Attorney Biege stated notice is adequate.

Carol and Douglas Wright stated their address is 9131 W. 200 N., Michigan City, IN.

Melissa Mullins Mischke stated they are splitting their parcel back into two (2).

Carol Wright stated when they bought the front two and a half (2 ½) acres they later on bought the other three (3). They would like to put it back the way it was. It is getting to be a little much for them. They are not sure whether they want to split it off and sell or whether they would want to build on it, but this was the next step for them.

**Remonstrators:**

Terry Wolter stated his address is 9082 W. Valley Ct., Michigan City, IN. He owns the property that is on their lower portion to the north and east. He owns part of it on the east corner too.

Melissa Mullins Mischke asked if he has concerns.

Terry Wolter stated yes. He also submitted a petition with signatures from twenty-two (22) people against it who live in the subdivision. This parcel was never a part of the subdivision. When they purchased the property, it had to be landlocked because when he originally went to purchase his property twenty-two (22) years ago, he saw the plat survey and his was originally supposed to go all the way up to 200 N. If they look, they will see the little piece of pie there. He

had sold his other house and it was getting close to closing time and he was told by the owner that he purchased it from that all of a sudden, they had sold the other piece of property to the neighbor. If they had not have bought that, the only way they would be able to access it is from 200 N. They wouldn't have any other way to access it because it would basically be landlocked other than coming from 200 N. There are a lot of concerns there. It is supposed to be two hundred feet (200') and they only have about one hundred and thirty feet (130'). There are two (2) driveways across the way. Everybody that has signed the petition were basically everybody in the subdivision except for three (3) that were unable to be contacted. He feels like when it was designed, it wasn't ever part of the subdivision for one (1) thing. There are safety concerns. The road is crested at the top. It is hard to get out because people come flying down 200 N. There are two (2) driveways across the street from where they would probably enter there.

Melissa Mullins Mischke asked when he says two (2) driveways across the street from where they would enter, what does he mean.

Terry Wolter stated across the way Fegaras's own there with a driveway and down a little bit they own another piece of property with a building on it that has also had a driveway.

Melissa Mullins Mischke asked if he is talking about the house where the Wright's live.

Terry Wolter stated no, the Wright's live up on 200 N at the top.

Glen Minich stated there are a lot of lots in there that do not have anywhere near two hundred feet (200') of frontage.

Terry Wolter stated that is the subdivision.

Glen Minich stated correct. When they look at it, it's not unique that it doesn't have a full two hundred feet (200') of the frontage.

Melissa Mullins Mischke stated it conforms with the neighborhood.

Terry Wolter stated he feels like it will depreciate his property value for one (1) thing. There is a lot of congestion right there and there are school busses that run through there. He doesn't think it is right. Subdivisions don't have to have two hundred feet (200') do they? If there is a new subdivision, do they have to have two hundred feet (200') to build a home.

Glen Minich stated no, that's what a subdivide is all about. If they subdivide, they don't have to come and ask for two hundred feet (200') of frontage because it is a subdivision.

Melissa Mullins Mischke stated that is a different group that approves that.

Terry Wolter stated that's a different group than what they are talking about, right?

Melissa Mullins Mischke stated yes.



Glen Minich stated what they are saying is that it is not unique because it is set within a neighborhood subdivision. It is consistent with the neighborhood to an extent.

Terry Wolter stated he does not agree with it. He thinks it is a whole separate thing. It will ruin the entrance to the subdivision. He knows what is going to happen.

Glen Minich stated don't you think the new owners of that lot would maintain it? Whereas the owners are saying it is a lot for them to maintain such a large lot?

Melissa Mullins Mischke stated it's also wooded along there.

Terry Wolter stated there are trees around the perimeter of the property. What if they wanted to bring a trailer in there or something like that?

Attorney Biege stated they should stay away from hypothetical conversations and make a decision. Their record is becoming extremely muddled tonight.

Glen Minich stated if they wanted to have a trailer in there, they would have to come to this Board and ask for a variance for a trailer. They couldn't put a trailer in there.

Melissa Mullins Mischke asked if he has any further concerns other than the safety.

Terry Wolter stated what is on the list. He had turned it on the 4<sup>th</sup>.

Melissa Mullins Mischke stated they have it.

Terry Wolter stated all his concerns are listed in that petition at the top if they want to look at that. He has maintained that entrance since he has lived there because pine needles, pine cones, tree branches fall including on his fence. He has kept it clean and looking decent so when they drive into the subdivision it doesn't look like a junk yard.

Melissa Mullins Mischke stated they do have a petition for denial of variance request with twenty-one (21) signatures on it.

Terry Wolter stated that is basically everybody that lives in the subdivision except for three (3) that weren't able to get contacted.

Melissa Mullins Mischke stated the concerns are safety because of the lack of two hundred feet (200') of road frontage, drainage, wild life disturbance, and decreased property values.

Terry Wolter stated there is a drainage pipe that goes across Rolling Meadow Drive and he has spoke to them at the County. That is supposed to flow and come around between the properties and come out toward the cul-de-sac on Valley Court. If they start moving a bunch of dirt around and disrupting all that it could be an issue too. There is an extreme amount of water that runs along 200 N to Rolling Meadow and it all runs down. To alleviate some of it, they put a pipe

across that road. The County told him it is supposed to run around towards the cul-de-sac down Valley Court.

Melissa Mullins Mischke stated she cannot say what they are going to do on there.

Terry Wolter stated he knows, but. . .

Melissa Mullins Mischke asked if there is anything additional that they missed on his list?

Terry Wolter stated unless there is something that one (1) of the four (4) people that came with him have something to add.

Leslie Ast stated his address is 9224 Moraine Hills Rd, Michigan City, IN. He has been in Michigan City for thirty-two (32) years since July 1<sup>st</sup>, 1990. He came from Brookfield, Illinois. Where his property is on Moraine Hills Road, he lives on a dead-end cul-de-sac. Behind him is what would have been Norman Scherer or Buck's Barn, not directly, but he owned all that property. When they looked around for houses, he thought his house was nice, it was brick. There wasn't anybody around there, but he asked the realtor if somebody could build back there and he was told probably not because it would be hard for them to do because he has an easement from the utility lines. One (1) of the neighbors would have to sell property for them to get a driveway to even build in the back on the west side or the south side of him. He doesn't think Norman owned all the property to Shebel Road because they could come in that way. There is also a creek. They can't come on their own property around the one (1) house that blocks it because they would have to put a bridge in over the creek that goes through there. His thoughts are that Terry Wolter said that when he bought the property, the guy said that he had sold the other part. At that point, he should have said no.

Melissa Mullins Mischke stated he is addressing the Board.

Leslie Ast stated if the property he wanted was already sold, then that's not the Wright's fault. He also said something about twenty-two (22) neighbors. There are lots in that subdivision that are still buildable. If he was to go down from the front of his house all the way down, there is a junk yard there, literally. He went down there today and there are three (3) or four (4) and as far as he is concerned they are junk and they just sit there. And there are empty lots back in that subdivision. If one (1) house right there is going to take and create a massive confusion and problems, what if all the other lots were sold. What if all the people had kids, which he's sure they do, and they no longer have one (1) or two (2) cars, but they have three (3) or four (4) like he used to have. It creates trouble. No matter what you do, they can't change that. This is his opinion. And if people are driving like crazy down that road and he knows they do down 200 N, but if they are speeding up and down Rolling Meadow Drive then who is creating that subdivision? The people who live there.

Sandy Hayman stated her address is 2205 Rolling Meadow Dr., Michigan City, IN. She doesn't understand is if the driveway they are proposing comes out on Rolling Meadow, they are not a part of the subdivision so how can they come out on their street in the subdivision? And it will be close to the stop sign. It is a big safety issue to her.

Glen Minich asked if Rolling Meadow Drive is a part of the County's inventory of roads.

Attorney Biege stated they have no way of knowing and the Board doesn't have any jurisdiction, but it is safe to assume that after the subdivision was complete there was a turn over to the County. He is not sure when the subdivision was built, but there was a period of time where the County didn't have regular road standards, but that had to be dedicated. They would have dedicated it to the County and the County will accept it after the road is constructed. Since this one is almost done, it should be safe to assume it is a County road.

Melissa Mullins Mischke stated should they approve the split, the north parcel would have the get a driveway permit from the County to build out to Rolling Meadow Drive, correct?

Michael Polan stated that would require specifications to be met such as so many feet from a stop sign, so many feet from another driveway, et cetera.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Douglas and Carol Wright for putting 1 (one) parcel back to the original 2 (two) parcels. One (1) parcel will have only 130' of road frontage and not the required 200' to build a new home on. The property is located at 9131 W. 200 N., Michigan City, IN., Coolspring Twp and zoned R1A on 5 acres.

April Daly seconded.

All Approved. Motion carries 4-0.

**10. Petition for Variance of Developmental Standards for White Oak Farm Properties LLC** for construction of a 30' x 60' accessory structure for an office and garage with a bathroom. This property is located at 5766 W. Warnke Rd., Michigan City, IN., Galena Twp. zoned R1B. Parcel 46-02-31-176-004.000-062.

Attorney Biege stated notice is adequate.

Rebecca and Greg Engstrom stated their address is 5766 Warnke Rd, Michigan City, IN. They own and operate White Oak Farm Venue. They have a wedding venue they built there a couple years ago.

Melissa Mullins Mischke asked how that it going.

Greg Engstrom stated it is very busy. A lot of happy brides and mostly happy grooms. They would like to build a building that would house their offices. They didn't expect that they would need as much office space as they are requiring. The back half of the building would be a heated storage area where they could work on things in the water. It's a heated garage. It sits approximately in the middle of the property. The driveway into White Oak ends near a parking area and it is adjacent to that.

Rebecca Engstrom stated it is right in the center of the property right behind their house.

Melissa Mullins Mischke asked if the exterior of the building will look like a metal building.

Greg Engstrom stated yes. There were pictures.

Melissa Mullins Mischke asked if it will blend in with the surroundings.

Greg Engstrom stated yes, their poplar barn which is the closest one (1) is a dark grey steel siding. It will match that. It will blend in.

Melissa Mullins Mischke stated she wanted to make sure it wasn't going to stick out like a sore thumb and say, "Look, I'm a metal pole building."

Rebecca Engstrom stated no, they want it to look nice too.

No remonstrators present.

April Daly stated the dog is really cute.

Melissa Mullins Mischke stated she agreed. It made her happy.

Michael Polan asked if their roof is okay.

Rebecca Engstrom stated yes, as far as she knows, but she didn't get up there.

Michael Polan stated when they were out there it was a windy day and a large branch came down and cracked on the roof. It was loud and happened right by them. It was a little jolting. This was right after there was a trampoline in the middle of the road on the way there.

Rebecca Engstrom stated it was a really windy day. Did he take the picture of the dog?

Ashley Kazmucha stated she did.

April Daly said it's so cute.

Ashley Kazmucha stated dogs make everyone happy.

Melissa Mullins Mischke stated it made her night.

Glen Minich stated there have been no problems from people calling the Building Commissioner.

Michael Polan stated no complaints on this one (1).

Glen Minich stated perfect.



Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for White Oak Farm Properties LLC for construction of a 30' x 60' accessory structure for an office and garage with a bathroom. This property is located at 5766 W. Warnke Rd., Michigan City, IN., Galena Twp. zoned R1B.

Glen Minich seconded.

All Approved. Motion carries 4-0.

**11. Petition for Variance of Developmental Standards for Bradley Cassoday** to replace current mobile home with a newer mobile home and to reside in until construction of primary home is complete. This property is located at 7264 N. 300 W., Michigan City, IN., Springfield Twp. zoned A on 2.35 acres. Parcel 46-02-28-476-009.000-062.

Attorney Biege stated notice is adequate.

Bradley Cassoday stated his address is 7264 N. 300 W., Michigan City, IN.

Melissa Mullins Mischke stated he wants to move in a new mobile home.

Bradley Cassoday stated that is correct. The one (1) that is there is a 1973 and it is in deplorable condition. They would like to bring their beautiful home in while they do their planning and get ready for actual stick build construction.

Melissa Mullins Mischke asked how long does he think before construction starts.

Bradley Cassoday stated he would like to get it as soon as possible. Of course, with the elevated construction materials right now it does damper and hinder them just a smidge. He would like to get the mobile home moved over by at least mid-June. It is a beautiful home with vinyl siding and a new roof. That way they have a place for them to be on property so they can get the nasty mess cleaned up out there.

Melissa Mullins Mischke state she agreed. This one (1) is not very nice is it.

Bradley Cassoday stated it is terrible. It really is.

Melissa Mullins Mischke stated there is a lot of stuff behind it as well. Are they intending on cleaning the yard up while they are removing the mobile home?

Bradley Cassoday stated absolutely. Next weekend he is actually taking his backhoe out there and they are going to start cleaning up that nastiness.

Melissa Mullins Mischke stated it is supposed to be really nice this weekend.

Bradley Cassoday stated it is. He is so excited. Even his backhoe when he walked past it said, "Daddy, I can't wait." He said, "I know."

Melissa Mullins Mischke stated she loves that.

No remonstrators present.

Melissa Mullins Mischke stated she is torn. They really want to try to keep mobile homes in mobile home parks as much as possible.

Bradley Cassoday stated he understands. Out of the sixty-three (63) homes in that area, eighty-two percent (82%) of them are manufactured homes. Only eighteen percent (18%) are stick built. They want to help change that as well it will just take them some little time.

Melissa Mullins Mischke stated she understands that. Could he start construction within a calendar year?

Bradley Cassoday stated absolutely.

Melissa Mullins Mischke asked if they made that a stipulation, it would not be a problem?

Bradley Cassoday stated that would not be a problem at all. When they went in to speak with Ashley, things rolled really fast. They do have a team working on building plans and such that they will be submitting and requesting for permits through the County.

Adam Koronka asked about getting started within the calendar year, completion would be anticipated within two (2)?

Bradley Cassoday stated he would hope so, but again that all depends on the current situation with the building materials that have gone up. Even in his industry of commercial construction, they have noticed it and it is almost forty percent (40%) higher. They will start and they do have some of the materials. They will get the foundations and such in and they will get started. He hopes to have it done within a year of the permit being issued.

Melissa Mullins Mischke asked what the longest it might take him.

Bradley Cassoday stated the maximum would be a total of three (3) years and that is his planning, submittal and review, and construction upon completion.

Glen Minich made a motion to table the Petition for Variance of Developmental Standards for Bradley Cassoday to replace current mobile home with a newer mobile home and to reside in for three (3) years non-renewable. The mobile home must be removed at that time. This property is located at 7264 N. 300 W., Michigan City, IN., Springfield Twp. zoned A on 2.35 acres.

Adam Koronka seconded.

All Approved. Motion carries 3-1.

**12. Petition for Variance of Developmental Standards for Ronald L Smutzer and Melody L Riley Smutzer** to split off a back portion of Lot 3 and add to Lot 2 in Mayflower Gardens. Lot 2 will then have 4 accessory structures (3 buildings and an above ground pool). These properties are located at 2522 & 2542 W. State Road 2, LaPorte, IN., Scipio Twp. zoned R1B. Parcels 46-10-03-452-005.000-060 & 46-10-03-452-004.000-060.

Attorney Biege stated notice is adequate.

Ron and Melody Smutzer stated their address is 2542 W. State Road 2, LaPorte, IN.

Melissa Mullins Mischke stated they are going to split the house off and then the pole and other structures will be on the second (2<sup>nd</sup>) parcel.

Ron Smutzer stated they are going to tear the one (1) pool down.

Melissa Mullins Mischke stated on parcel one (1) on the rear they are keeping the pool; they are going to combine it with parcel two (2).

Melody Smutzer stated yes, the garage and pool are inside a fence together. Then they have a garden in another corner; they want to go from the garden over and enclose all that.

Melissa Mullins Mischke stated they are going to leave it separate. They aren't going to combine it with parcel two (2)?

Melody Smutzer stated yes. That back park of parcel one (1) will be added to parcel two (2). Her husband and his father built it in 1995. They do use it. They have their vehicles in the main garage and they use the other for woodworking and storage.

No remonstrators present.

Glen Minich made a motion to approve the Petition for Variance of Developmental Standards for Ronald L Smutzer and Melody L Riley Smutzer to split off a back portion of Lot 3 and add to Lot 2 in Mayflower Gardens. Lot 2 will then have 4 accessory structures (3 buildings and an above ground pool). These properties are located at 2522 & 2542 W. State Road 2, LaPorte, IN., Scipio Twp. zoned R1B

April Daly seconded.

All Approved. Motion carries 4-0.

**13. Petition for Variance of Developmental Standards for Jason and Ginger Scoville** for construction of a second dwelling at least 800<sup>2</sup> to help care for elderly father and to

be used as a guest house. This property is located at 2656 W. 800 N., Michigan City, IN., Springfield Twp. zoned A on 4.5838 acres. Parcel 46-02-27-100-012.000-062.

Attorney Biege stated notice is adequate.

Jason and Ginger Scoville stated their address is 2656 W. 800 N., Michigan City, IN.

Melissa Mullins Mischke stated they have an elderly parent that is going to come and live on the property if they get an additional structure.

Ginger Scoville stated yes. He has dementia. She would like to build a house for him so he is right there with them and easier to care for.

No remonstrators present.

Melissa Mullins Mischke asked how many animals they have out there.

Ginger Scoville stated they have four (4) dogs; two (2) inside and two (2) outside, one (1) goat, three (3) horses, two (2) chickens, one (1) rooster, one (1) duck, and one (1) turkey.

Melissa Mullins Mischke stated and a partridge in a pear tree out there.

Ginger Scoville stated maybe a cat, but she doesn't know. It chooses. She thinks her dad would have fun with that though. He loves when he had a dog.

Melissa Mullins Mischke asked if it was one (1) of those fainting goats.

Ginger Scoville stated no. She has given him away three (3) times and he keeps coming back. Nobody wants him.

Melissa Mullins Mischke asked what is going on in the southwest corner of the property. Are those logs?

Jason Scoville stated he runs a tree service and there are wood logs. They use it for fire wood. They heat their home with firewood.

Melissa Mullins Mischke asked where they are going to put the small structure for Dad.

Jason Scoville stated it goes in the opposite corner.

Melissa Mullins Mischke asked if it is up in the front along 800 N.

Jason Scoville stated yes. It is the northeast corner of the property.

Melissa Mullins Mischke asked if it would tie into their septic or would they put in a new one (1).



Ginger Scoville stated no. She already contacted soil solutions to get the soil tests for that side of the property for its own septic.

Adam Koronka stated from the pictures provided, it looks like there is a low spot that is actually quite wet in the area they are looking to put this structure.

Ginger Scoville stated there are some areas in the yard that are wet. When they had the driveway put in, they had tile drainage put in. They would hope that the septic company would take care of that. They want to dry that up also and add in some type of thing to do that. They would hire somebody to help dry it.

Jason Scoville stated the entire yard is wet. The entire four-point-four (4.4) acres or whatever is just a slop. If it didn't have those trees on it, it would probably be under water.

Melissa Mullins Mischke stated it looks like it slopes down.

Ginger Scoville stated she would like to plant some weeping willows and some of those may help also.

Glen Minich stated they are not deciding if there is a house there as far as the septic so he doesn't really have questions, just whether the Board thinks it's a good idea to put another structure on this property.

Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Jason and Ginger Scoville for construction of a second dwelling at least 800<sup>2</sup>' to help care for elderly father and to be used as a guest house. This property is located at 2656 W. 800 N., Michigan City, IN., Springfield Twp. zoned A on 4.5838 acres.

April Daly seconded.

Approved. Motion carries 3-1.

**14. Petition for Variance of Developmental Standards for Andrea Buttermore** for two (2) RV's (for daughter and kids) to live in and two (2) shipping containers on property until home is built. Shipping containers will remain on property for storage. This property is located at 6271 E. 50 N., Mill Creek, IN., Wills Twp. zoned A on 17.365 acres. Parcel 46-08-31-200-010.000-068.

Attorney Biege state notice is adequate.

Andrea Buttermore stated her address is 3993 N. 500 E. Lot 50, Rolling Prairie, IN.

Melissa Mullins Mischke stated she doesn't understand from the petition, are the RVs going to stay once the residence is built.

Andrea Buttermore stated no. It's just a real temporary solution to an emergency. Her daughter came home from Texas with six (6) kids and the clothes on their back because she was being abused. The man went to jail, but he is out and he is in Texas. Her daughter has nowhere to go. She was getting something together. She got this trailer knowing that she has contractor and they are starting to build in July. It's just a real temporary solution until she can find somewhere for her to be. She doesn't really want her daughter to live with her the rest of her life, but she has six (6) kids and a full-time job; she went out and did that right away. The kids have been through a lot. She is just trying to provide some place for them temporarily. Once they get building on the inside, she will have to make it bigger than what she intended, but she has to. They are her grandchildren; she doesn't know what else she can do. They are coming to her house and bathing. They are coming to her house for meals. Her RV that is sitting there is fully self-contained. She has to move it to empty it. She has to add more water to it.

Melissa Mullins Mischke asked where her mobile home is.

Andrea Buttermore stated she lives in Rolling Prairie in the mobile home park. She had property. She sold it. She finally found the seventeen (17) acres. Her intent was always to build, but she never had intended for her daughter and the children to come home.

Melissa Mullins Mischke asked if she is intending to build a stick-built home, a mobile home, what are they talking about?

Andrea Buttermore stated it is a pole barn structure and they are going to build in one (1) end of it. She does want it large enough to house her RV, not to live in, but to store inside. Her brothers are farmers; they have cattle and pigs. Eventually, she will want to have some animals over there too. She comes from the farm and that's what she wants. This was an emergency though. She was desperate to do something to try and house them and she was lucky enough to find something cheap with four (4) bunks in the back, a queen size bed in the front, a full-size refrigerator. She didn't know that it was a problem. She has surveys, soil borings, the well and septic permits. She has done everything she can think of to move this along, but it is just a matter of time. She has to wait for them to come out and build. Once they build, in July, they say they can put it up in three (3) days. She has contractors that are friends that are licensed, registered, certified, everything that is required that she will get going right away to get them into the house.

Melissa Mullins Mischke stated of the two (2) RVs, one (1) is her daughters and her family is going to live in it and the other is hers that she wants to store. Or will they be living in both of them?

Andrea Buttermore stated no. She has a really nice RV and six (6) kids is a bad idea. They are allowed to use the bathroom, but that is it. Part of them are staying with her at her house and part of them are staying out there to sleep. They are playing out there and running all over the fields and having a ball like kids should do. They have been through a lot. She is just trying to make due with what they have for right now. It shouldn't take too awful long. She can't promise when she can get it done, but she wants to be done by winter, but she works as a realtor and she works on commission. It has been great, but she doesn't know what is going to happen tomorrow. She

hopes she could finish it rather quickly and get rid of the one (1) RV. Her RV is not going anywhere because she uses it to camp.

**Remonstrators:**

Joe Duda stated his address is 6749 E. 50 N., Mill Creek. His property is just east of Mrs. Butterworth's. He has a few problems with what the situation is out there. She has two (2) RV campers and what they are using for a septic tank and water he is unsure. He did hear from her last week that they had a tank collapse. It was one (1) of those two hundred and fifty (250) gallons plastic tanks. Whether they buried it for a septic tank, he doesn't know. The only problem he has is that there should be a time limit on the campers when they have to be on there and off. She had told him that they are getting ready to build in July. He feels sorry about the situation with her daughter, but grow up. Find your own place. His kids had to do the same thing for themselves. His concerns are the septic, the water, and the time to keep the campers on there.

Ed Barnes stated his address 6311 E. 50 N., Mill Creek, IN. Joe had spoken about the tanks that were buried. He witnessed them going in. He has pictures of them going in. They were three (3) two hundred and fifty (250) gallon plastic totes. His only guess is perhaps for a septic system. They mentioned they had permits for well and septic; why aren't they there? He has no problem living in pop up tents, trailers, he doesn't care. He doesn't sell land, he buys land. He doesn't care about the real estate value. If they want to destroy the property it will bring the real estate value down. He just wants to make sure everybody is following the law and not burying tanks and trying to make due with whatever they can come up with.

Andrea Buttermore stated as he mentioned, he was trying to make due and she did. She tried to bury two (2) tanks. There weren't three (3) there were two (2). They collapsed and they had to take them out. That is why she explained that her RV is fully self-contained. She can fill it with water and they can use the restroom; it will hold it. If he was watching and filming her the other day, he would have seen that she moved it because it was full. She was waiting because they were having problems with the rain. She can't just get out of a field with it. That is what she is doing with it.

Melissa Mullins Mischke stated she is taking the RV somewhere to dump it.

Andrea Buttermore stated yes, Mini Mountain. She does have the permits, but it takes time. They don't just get permits overnight. She didn't know she needed a driveway permit. She went and got it and paid for it. She has done everything they have told her do. All she is trying to do is have a place for these kids temporarily. There will be a time limit obviously. She has a contract with a man; they are supposed to be done with the shell in three (3) days. He told her the end of July is when they are promised to be there. The foundation will be poured. The electric is there. She doesn't know what else she can do.

Melissa Mullins Mischke stated they haven't even spoken about the shipping containers yet.

Andrea Buttermore stated the one (1) is full of insulation and that is for the floor.

Melissa Mullins Mischke stated building materials for the structure.

Andrea Buttermore stated yes.

Melissa Mullins Mischke stated she is not in favor of them staying on the property, even after construction.

Glen Minich stated it looks like they're mobile.

Andrea Buttermore stated they are mobile.

Attorney Biege asked construction of what.

Melissa Mullins Mischke stated the residence that she wants to construct.

Attorney Biege asked if it's a residence or a barn.

Melissa Mullins Mischke stated a pole barn with a residence in it.

Attorney Biege stated he doesn't see a variance request for it.

Glen Minich stated they're called barndominiums.

Attorney Biege stated they can keep calling them, but without a variance they are nothing.

Melissa Mullins Mischke stated she feels like it is not written to accommodate everything.

Andrea Buttermore stated she thinks she has to come back before the Board again probably for the actual structure. From what she understood, she is here today because she has shipping containers that she did not know she needed a variance for. And the two (2) RVs. She has the form that lists all the contractors, the electrician, and everybody, but she has not given that to them to go through or whatever. She is not sure if she needs to come before the Board again or just go through the Building Department.

Ashley Kazmucha stated bardominiums are allowed. They just have to have the correct amount of living space square footage. They are allowed.

Adam Koronka stated a thousand square feet (1,000<sup>2</sup>).

Ashley Kazmucha stated yes.

Andrea Buttermore stated it will be much more than that.

Melissa Mullins Mischke stated that would be dependent on her permit anyway.



Adam Koronka made a motion to approve the Petition for Variance of Developmental Standards for Andrea Buttermore for two (2) RV's (for daughter and kids) to live in and two (2) shipping containers on property until home is built for two (2) years non-renewable. This property is located at 6271 E. 50 N., Mill Creek, IN., Wills Twp. zoned A on 17.365 acres.

Glen Minich seconded.

Approved. Motion carries 3-1

Attorney Biege stated for clarification it states in the Petition the shipping containers will remain on the property for storage.

Glen Minich stated Adam's motion was that they would not stay.

Attorney Biege stated everything is gone.

Adam Koronka stated everything is gone.

Andrea Buttermore stated her personal RV would stay.

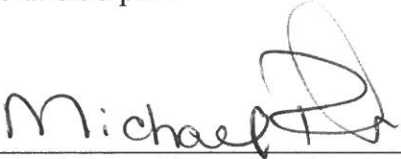
Glen Minich stated she can put it inside to store. Not for residence.

Andrea Buttermore stated okay.

Melissa Mullins Mischke asked for any other business.

There being no further business, meeting adjourned at 8:58 p.m.

  
Melissa Mullins Mischke, President

  
Michael Polan, Recording Secretary